

FIRST REGULAR SESSION

# SENATE BILL NO. 113

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHOEMYER.

Pre-filed December 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

0392L.01I

## AN ACT

To amend chapter 376, RSMo, by adding thereto one new section relating to durable medical equipment providers.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 376, RSMo, is amended by adding thereto one new  
2 section, to be known as section 376.1175, to read as follows:

**376.1175. 1. Every health carrier and health benefit plan, as  
2 defined in section 376.1350, shall include in its network of service  
3 providers any durable medical equipment provider that:**

4 **(1) Has a main office located in a Missouri community with a  
5 population of twenty-five thousand or less; and**

6 **(2) Is certified as a Medicare and/or Medicaid provider, and by  
7 the Missouri board of pharmacy; and**

8 **(3) Registers with the department of insurance as provided in  
9 subsection 2 of this section.**

10 **2. To be included in a health carrier's or health benefit plan's  
11 network of providers, a durable medical equipment provider that meets  
12 the requirements in subdivisions (1) and (2) of subsection 1 of this  
13 section shall register with the department of insurance as an eligible  
14 durable medical equipment provider. The department of insurance, in  
15 consultation with the department of social services, shall verify the  
16 eligibility of any durable medical equipment provider requesting to  
17 register with the department and, upon verification of eligibility, shall  
18 include such provider in a durable medical provider registry, which  
19 shall be made available to all health carriers and health benefit plans  
20 licensed to do business in the state.**

21 **3. Every health carrier and health benefit plan licensed to do**

22 business in the state of Missouri shall include any durable medical  
23 equipment provider that registers with the department of insurance  
24 under this section in its network of providers.

25         4. All durable medical equipment providers that register under  
26 this section prior to November first shall be included in the network of  
27 providers for the following calendar year. After a provider's initial  
28 registration, the provider shall remain on the registry so long as the  
29 provider provides notice to the department of insurance by November  
30 first of the provider's continued eligibility and desire to remain on the  
31 registry. On or before January first of each year, all health carriers  
32 and health benefit plans shall provide each provider that registers with  
33 the department of insurance by November first of the provider's  
34 inclusion in the carrier's or plan's network of providers.

35         5. The department of insurance shall promulgate rules to  
36 implement the provisions of this section, including but not limited to  
37 forms for registration and renewal of registration. Any rule or portion  
38 of a rule, as that term is defined in section 536.010, RSMo, that is  
39 created under the authority delegated in this section shall become  
40 effective only if it complies with and is subject to all of the provisions  
41 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This  
42 section and chapter 536, RSMo, are nonseverable and if any of the  
43 powers vested with the general assembly pursuant to chapter 536,  
44 RSMo, to review, to delay the effective date, or to disapprove and annul  
45 a rule are subsequently held unconstitutional, then the grant of  
46 rulemaking authority and any rule proposed or adopted after August  
47 28, 2007, shall be invalid and void.

48         6. Any health carrier or health benefit plan that violates the  
49 provisions of this section shall have its license to do business in the  
50 state of Missouri subject to sanction by the department of insurance.

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